

REMARKS/ARGUMENTS

The Examiner has delineated the following inventions as being patentably distinct:

- Group I: Claims 1-11, 19, and 20 drawn to an aqueous dispersion and method of producing the aqueous dispersion;
- Group II: Claims 21-23, drawn to a process of producing an aqueous dispersion;
- Group III: Claims 24-33, drawn to a coating slip comprising the aqueous dispersion and a process of producing the coating slip; and
- Group IV: Claims 34 and 35, drawn to an absorptive medium comprising the coating slip and a process of producing the absorptive medium.

Applicants provisionally elect with traverse the invention of Group I, Claims 1-11, 19 and 20, drawn to an aqueous dispersion and method of producing the aqueous dispersion. Restriction is only proper if the claims of the restricted Groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (M.P.E.P. § 803. The burden of proof is on the Examiner to provide reasons and/or examples to support any conclusions in regard to patentable distinction.

The claims of Group I are integrally linked with the claims of Groups II-IV as process for the production, and the method of using an aqueous dispersion.

The claims of Groups II-IV further define the invention of Group I, consequently all of the claims should be examined together on the merits, especially wherein the sole disclosed utility is that recited in the specification. There is a technical relationship that exists between the groups. It is a technical relationship that involves the same feature, and it is this technical feature that defines the contribution which each group taken as a whole makes over the prior art. Unity of invention has to be considered in the first place only in relation to the independent claim. A dependent claim is one which contains all the features of

another claim and is in the same category as other claims. It does not matter if a dependent claim itself contains a further invention.

Further, M.P.E.P. § 803 states as follows:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct and independent inventions.

Different classification of subject matter to be divided is not conclusive proof of independent status and diversibility. The Examiner has not considered that the claims in each group are considered related inventions under 37 C.F.R. § 1.475(b) in which the inventions are considered to have unity of invention. Applicants submit that while PCT Rules 13.1 and 13.2 are applicable 37 C.F.R. § 1.475(e) provide that “a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn to a product, the manufacture, and the use of said product.”

The determination whether a group of inventions is as linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternative within a single claim.

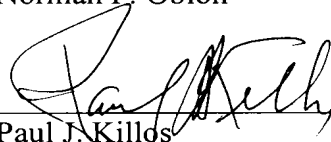
In fact, the International Search Authority has searched all the claims together. As the Office has not shown any evidence that restriction should now be required when the International Preliminary Examination Report did not, the restriction is believed to be improper.

For the reasons set forth above Applicants request that the Restriction Requirement be withdrawn.

Applicants request that if the invention of Group I is found allowable, withdrawn Groups II-IV which include the limitations of the allowable claims be rejoined.

Respectfully submitted,

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